

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIVERSAL REMOTE CONTROL, INC.,  
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,  
Patent Owner.

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Case IPR2014-01146  
Patent 8,243,207 B2

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Held: September 2, 2015

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BEFORE: HOWARD B. BLANKENSHIP, SALLY C.  
MEDLEY, and WILLIAM A. CAPP, *Administrative Patent  
Judges.*

The above-entitled matter came on for hearing on Wednesday,  
September 2, 2015, commencing at 2:09 p.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-01146  
Patent 8,243,207 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

PETER H. KANG, ESQ.  
FERENC PAZMANDI, ESQ.  
Sidley Austin LLP  
1001 Page Mill Road, Building 1  
Palo Alto, California 94304

KEITH J. BARKAUS, ESQ.  
Ostrolenk Faber LLP  
1180 Avenue of the Americas  
New York, New York 10036

ON BEHALF OF PATENT OWNER:

JAMES J. LUKAS, JR., ESQ.  
ERIC J. MAIERS, ESQ.  
MATTHEW J. LEVINSTEIN, ESQ.  
Greenberg Traurig LLP  
77 West Wacker Drive, Suite 3100  
Chicago, Illinois 60601

P R O C E E D I N G S

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JUDGE MEDLEY: So, this is the final hearing and the hearing for IPR2014-01146, between Petitioner, Universal Remote Control, and Patent Owner, Universal Electronics. Per our August 4th order, each party will have 30 minutes, and you know the drill, so we'll go ahead and get started.

Mr. Kang?

MR. KANG: Your Honor, do you want appearances for the record or --

JUDGE MEDLEY: I'm sorry?

MR. KANG: Do you want appearances for the record?

JUDGE MEDLEY: No, that's okay.

MR. KANG: Thank you.

If we can go to slide 2 of Exhibit 1057, please. So, Your Honors, in this IPR, the fundamental issue here is whether the claim should be construed properly, as we believe, or so narrowly by -- as the Patent Owner suggests, which is even more narrow than the Board's recognition of a possibly narrow construction such that the claim deviates, again, from the intrinsic record.

The term -- central term at issue is "configuration of the entertainment device," and we believe that regardless of the claim construction, the prior art reference Dubil does disclose the

1 claimed invention by allowing a user to invoke an activity set  
2 which then configures both a selected input and a selected output.

3           So, generally speaking, on slide 2, the '207 patent is  
4 directed to configuring activities for home entertainment systems,  
5 and so you have got a remote control that interacts with different  
6 elements of a system, and as the patent discloses at column 1, the  
7 user can configure a system that has multi-inputs and/or multi-  
8 outputs, and, again, so the system is very flexible in that sense  
9 and covers either multi-inputs or multi-outputs.

10           So, if we look at the claim on Slide 3 of Exhibit 1057,  
11 the phrase "configuration of the entertainment device" on the face  
12 of the claim is, we believe, defined in the succeeding terms to  
13 require, one, comprising one -- at least one of the plurality of the  
14 devices being used as an audiovisual input source and at least one  
15 of the plurality of devices being used as an audiovisual output  
16 destination.

17           And so we believe on the plain meaning of the phrase  
18 "configuration of the entertainment device," a configuration  
19 comprises selecting one input -- at least one input and at least one  
20 output.

21           If we look at page 4, Exhibit 1057, the Patent Owner's  
22 construction is even narrower than the Board's alternative narrow  
23 construction that was in the institution decision. The Patent  
24 Owner has argued, although the phrase in their proposed  
25 construction is "affirmatively performing switching," we now

1 know from the briefing that Patent Owner takes the position that  
2 that construction of their construction requires affirmatively or  
3 actively switching inputs and affirmatively or actively switching  
4 outputs, and we believe that that's even narrower than the Board's  
5 proposed narrow construction.

6           The Board's actual construction adopted at the decision  
7 to institute is on the slide and does not necessarily require  
8 engaging in any switching activity. As Petitioner, we have  
9 adopted that position. We believe that's correct.

10           JUDGE CAPP: You understand that's not a final  
11 construction for this case.

12           MR. KANG: Of course, I understand.

13           JUDGE CAPP: That's what we came up with in the  
14 absence of either one of you briefing it at the time of the decision  
15 to institute.

16           MR. KANG: I understand.

17           JUDGE CAPP: So, why were we right to come up with  
18 that construction at the decision to institute stage?

19           MR. KANG: If we turn to slide 5, I will show you.

20           So, the specification itself disclosed as separately  
21 powering on source devices and destination devices, and there's  
22 nothing -- for example, as we show here on page 5, Figure 6 is  
23 the flow chart showing the process for this setup, and there's no  
24 required switching or selecting both the input and the output in  
25 the claim or in the disclosed embodiment.

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